



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/731,561
Filing Date: December 9, 2003
Applicant: John Maurice Walsh, Jr.
Title: Thermostat Fan and Boiler Timer
Examiner/GAU: Unknown

PETITION FOR REINSTATEMENT OF FILING DATE

The Honorable Commissioner for Patents
Washington, District of Columbia 20231

Dear Sir/Madam:

This Petition for Reinstatement of Filing Date (the “Petition”) is submitted in response to a Notice of Incomplete Nonprovisional Application (the “Notice”) received by the applicant’s attorney on June 10, 2004. According to the Notice, the patent office did not receive any drawings in connection with the application that was filed on December 9, 2003. The application was submitted with five pages of drawings, however. Attached as Exhibit A is a copy of the return postcard received from the patent office after the application was filed. The return postcard indicates that five pages of drawings were included with the application and received by the patent office.

In addition, attached as Exhibit B is a copy of the Utility Patent Application Transmittal, which indicates that five pages of drawings were submitted with the application. The Express Mail Label No. listed on the Utility Patent Application Transmittal is ET410591334US, and attached as Exhibit C is a copy of the Express Mail Label that accompanied the patent application.

Finally, attached as Exhibit D is a copy of the five pages of drawings that were originally submitted with the patent application.

Based on the above showing, applicant respectfully requests that the patent office reinstate applicant’s filing date of December 9, 2003 and withdraw the Notice of Incomplete Nonprovisional Application. Enclosed is a check in the amount of \$130.00

for the petition fee. Applicant requests a refund of the petition fee in the event this petition is granted.

Respectfully submitted,

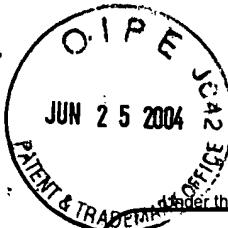


Antoinette M. Tease
Attorney for Applicant
PO Box 51016
Billings, MT 59105
(406) 245-5254
Registration No. 53860

Certificate of Mailing: I certify that on the date below this document and referenced attachments, if any, were deposited with the U.S. Postal Service as first class mail in an envelope addressed to: "Mail Stop Petitions, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450."



Antoinette M. Tease
June 22, 2004



PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

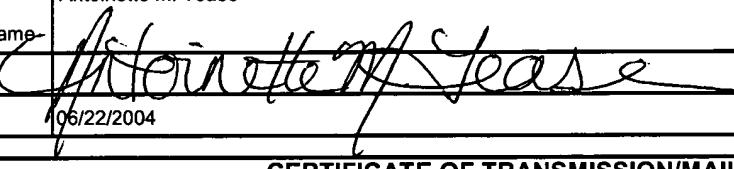
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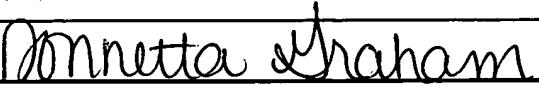
TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/731,561	
	Filing Date	12/09/2003	
	First Named Inventor	John Maurice Walsh, Jr.	
	Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	17	Attorney Docket Number	WAL03-0001

ENCLOSURES <i>(Check all that apply)</i>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">Remarks</div>	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name:	Antoinette M. Tease
Signature	
Date	06/22/2004

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Donnetta Graham	
Signature		Date 06/22/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

BEST AVAILABLE COPY

Receipt date: _____
Application number: _____
Applicant's name: John Maurice Walsh, Jr.
Title of invention: Thermostat Fan and Boiler Timer
Number of pages of specification (including abstract): 22
Number of pages of drawings: 5
Declaration: Yes
Additional forms: Fee Transmittal for FY 2004 (1 p.);
Utility Patent Application Transmittal (1 p.); Application
Data Sheet (2 pp.)
Amount and manner of paying fee: Check in the amount of
\$385

17302 U.S. PTO
10/731561



120903

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- Applicant claims small entity status.
See 37 CFR 1.27.
- Specification. [Total Pages 22] (preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- Drawing(s) (35 U.S.C. 113) [Total Sheets 5]
- Oath or Declaration [Total Sheets 1]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed)
 - i. DELETION OF INVENTOR(S)

Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- Application Data Sheet. See 37 CFR 1.76

Attorney Docket No.	WAL03-0001
First Inventor	John Maurice Walsh, Jr.
Title	Thermostat Fan and*
Express Mail Label No.	ET410591334US

ADDRESS TO:	Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450
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7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies), or
 - ii. Paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement Power of Attorney (when there is an assignee)
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No.

Prior application information:

Examiner _____

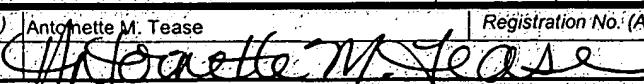
Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

Customer Number: _____ OR Correspondence address below

Name	Antoinette M. Tease		
Address	PO Box 51016		
City	Billings	State	MT
Country	U.S.	Telephone	(406) 245-5254
Zip/Code	59105		
Fax	(406) 657-2006		

Name (Print/Type)	Antoinette M. Tease	Registration No. (Attorney/Agent)	53680
Signature			
Date	12/08/2003		

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and, by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

*Boiler Timer

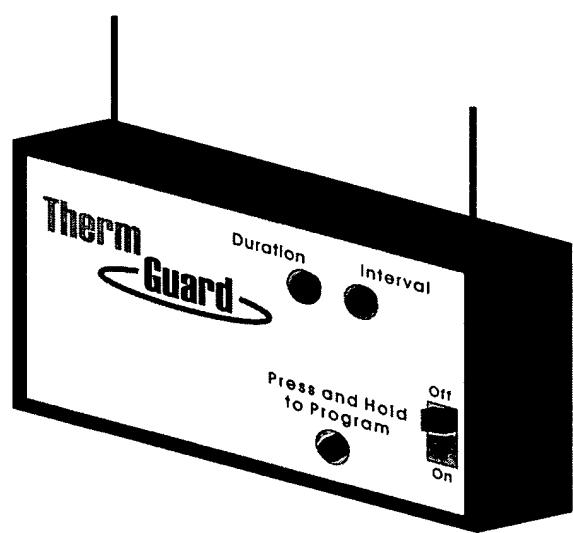


Figure 1

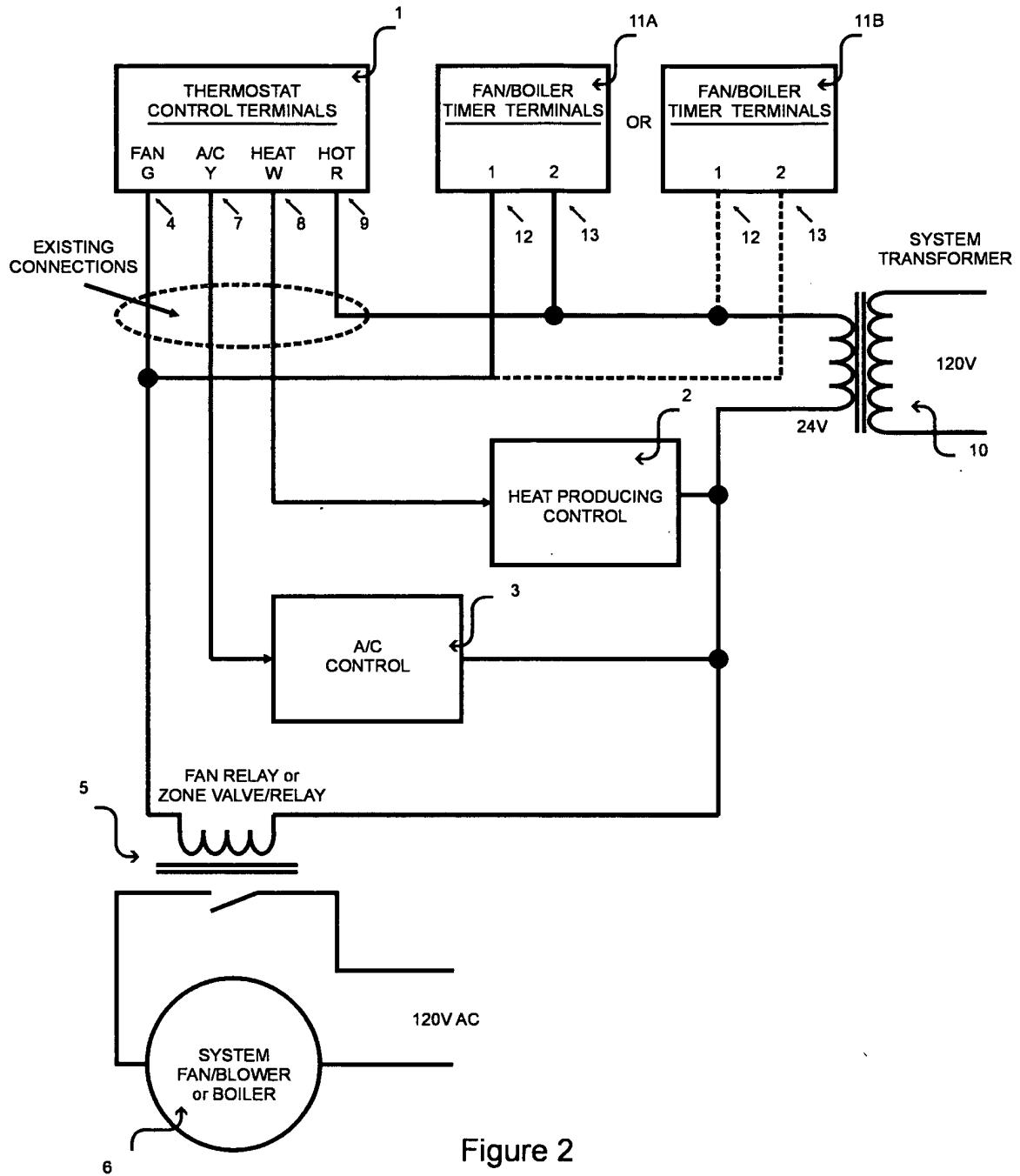


Figure 2

Figure 3

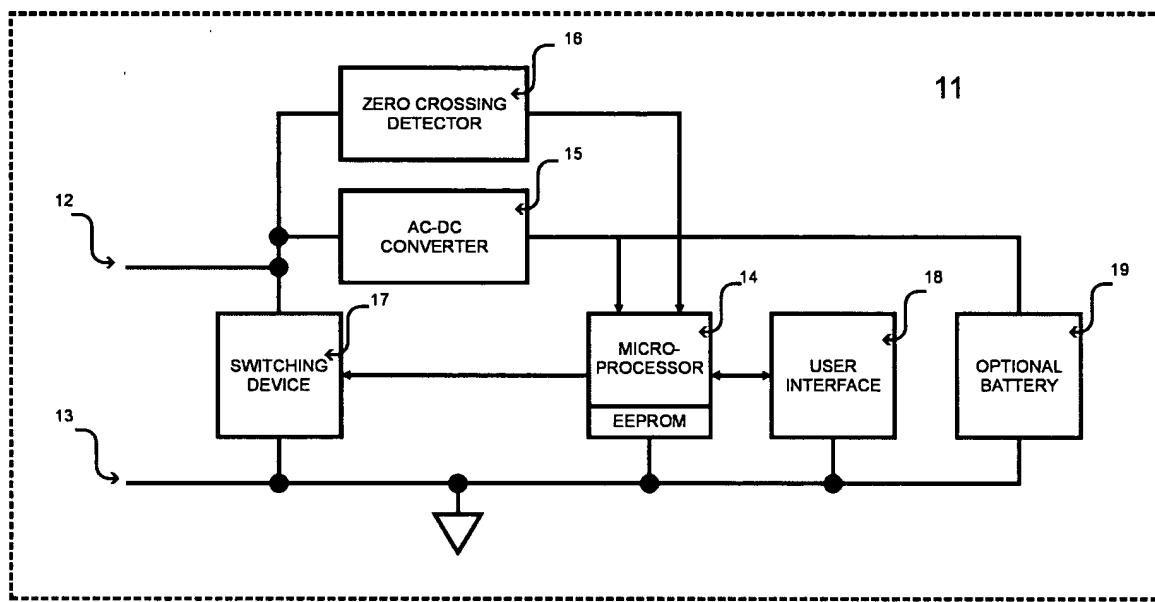


Figure 4

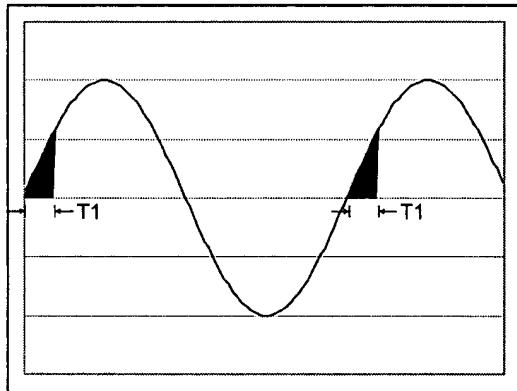


Figure 4A

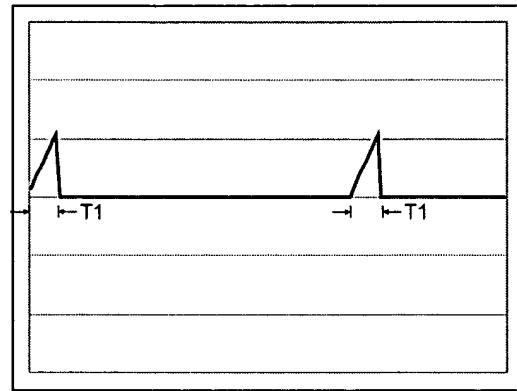


Figure 4B

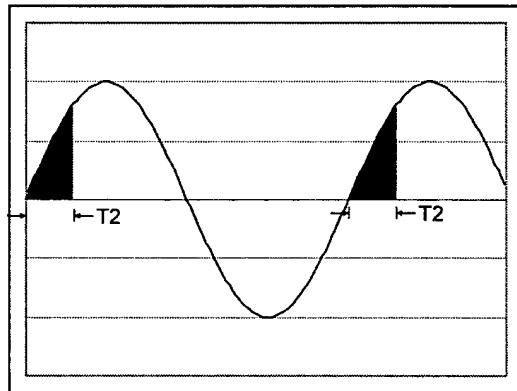


Figure 4C

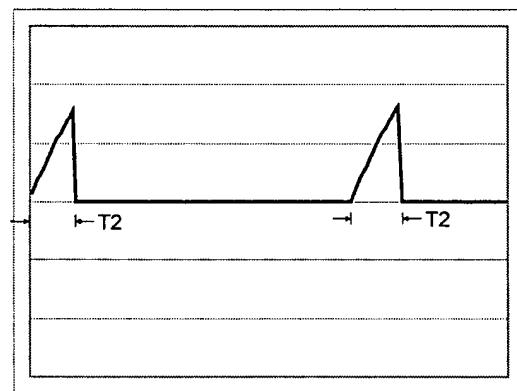


Figure 4D

Figure 5

